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5:20pm

From-PILLSBURY WINTHROP LLP SV W#2EB

650-2334545

T-242 P.002/005 F-376

RULE 63 (37 C.F.R. 1.63)
**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my post office address, citizenship and residence are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **RECESSED ELECTRODE FOR ELECTROSTATICALLY ACTUATED STRUCTURES**, the specification of which was filed in the United States Patent Office on **July 18, 2003**, under U.S. Patent Application Serial No. **10/622,664**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S):

Number	Country	Day/MONTH/Year Filed	Date first Laid- Open or Published	Date Patented or Granted:	Priority Claimed
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I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S):

Application No.	Day/MONTH/Year Filed:	Status (pending, inactive, abandoned, patented, etc.)	Priority Claimed
60/396,869	July 18, 2002	Inactive/Converted to Utility	Yes

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, 2550 Hamover Street, Palo Alto, CA 94304, telephone number (650) 233-4500 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee who first sent this case to them and by whom I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

George M. Sirilla	18,221	Glenn J. Perry	28,458	Stephen C. Glazier	31,361	Adam R. Hess	41,835
Richard H. Zaitlen	27,248	Roger R. Wise	31,204	Suzanne L. Biggs	30,158	William P. Atkins	38,821
Dale S. Lazar	28,872	Mark G. Paulson	30,793	David A. Jakopin	32,995	David H. Jaffer	32,243
Thomas A. Cawley Jr	40,944	Richard H. Zaitlen	27,248	Richard Steinberg	26,588	Guillermo Baeza	35,056
Kenneth M. Fagin	37,615	Caroline D. Dennison	34,494	Jeffrey W. Guise	34,613	Jeffrey D. Karceski	35,914
Jonathan E. Jobe	28,428	John R. Wetherell Jr	31,678	Brian J. Beans	38,825	Jack S. Barufka	37,087
James E. Eakin	27,874	Paul L. Sharer	36,004	Christine H. McCarthy	41,844	Robert J. Walters	40,862
Bryan P. Collins	43,560	James R. Menker	41,717	Henry J. Daley	42,459	Kerry T. Hartman	41,818
Kerry T. Hartman	41,818	Robin L. Teskin	35,030	Chang H. Kim	42,727	Paul L. Sharer	36,004
Robert C.F. Perez	39,328	Steven T. Moore	35,959	Glenn T. Barrett	38,705	John P. Darling	44,482
Ross L. Franks	47,233	Mark J. Danielson	40,580	Craig J. Bristol	40,245	E. Rico Hernandez	47,641
F.T. Alexandra Mahaney	37,688	Vicki G. Norton	40,745	Thomas P. Hilliard	40,330	Keyvan Davoudian	47,520

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May-04-04 05:21 pm

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650-2334545

T-242 P.003/005 F-376

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)
PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE

- (a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refers, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability.

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

* Six months for Design Applications (35 U.S.C. 172).